

### **Remarks**

The Notice of Non-Compliant Amendment dated October 23, 2009 indicated that withdrawn claims 6-9 were incorrectly identified, and that withdrawn claim 10 and cancelled claim 11 were not present. Applicant has amended the listing of the claims to show all claims in their current status. Thus, Applicant requests that the Examiner consider the amendments and following remarks in response to the Office Action of April 3, 2009.

The Office Action dated April 3, 2009 noted that prosecution has been reopened and listed the following new grounds of rejection: claims 1-5 stand rejected under U.S.C. § 112(2); and claims 1-5 stand rejected under U.S.C. § 102(b) over Goth (U.S. Patent No. 4,589,193). Claim 5 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. In this discussion set forth below, Applicant does not acquiesce explicitly to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

New claims 12 through 15 largely track with the claimed subject matter from claims 1-5 and therefore present no new subject matter. These claims are distinguishable from the cited art based on the discussion presented below.

Applicant respectfully traverses the § 112(2) rejection because the claims fully comply with §112(2). Applicant submits that the rejection under 35 U.S.C. § 112(2) is erroneous and cannot be maintained. The Office Action has not asserted that any specific claim language is indefinite, but instead appears to be inquiring how one skilled in the art would interpret the claim(s) as a whole in light of its preamble term, trench isolation structure. In this regard and to answer this query, the term “trench isolation structure” refers to a structure that includes and/or provides trench isolation. A structure that includes and/or provides trench isolation can also include elements that are not part of a portion of the structure that includes and/or provides the trench isolation. The rejection should be removed. Notwithstanding these bases for traversing, Applicant has amended claim 3 to further clarify the intended meaning.

Applicant respectfully traverses the § 102(b) rejection because the cited Goth reference lacks correspondence. For example, the cited Goth reference does not have a liner with a first thickness and a liner with a second thickness where the liner is not

present (or as asserted in the Office Action, such that the second thickness is zero). As another example, the asserted reference does not teach the claimed invention, including aspects regarding, *e.g.*, the liner's increased thickness at the buried layer. Because these aspects are not taught by the cited reference, no reasonable interpretation of the asserted prior art can provide correspondence. Notwithstanding these bases for traversing, Applicant has amended the claims to further clarify the intended meaning of the claimed invention and emphasize that the liner thickness changes at the buried layer. As such, the rejection should fail and, in any case, should be rendered moot by the above amendment.

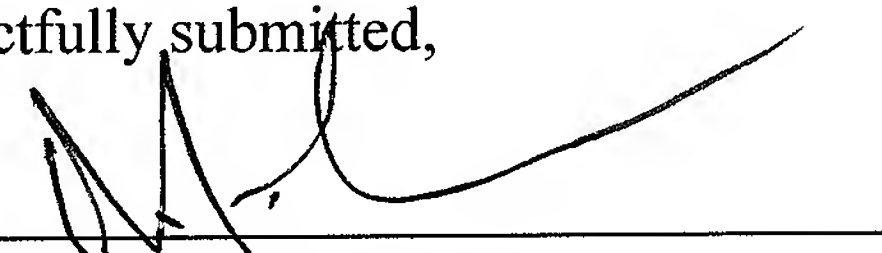
Applicant cannot discern the import of the comments at page 6 of the Office Action but submits that the claims as presented and discussed above with the hope that the issues to which these comments might have been directed, are removed.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the attorney overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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